

AF/3738
TJWPTO/SB/31 (02/01)
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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		DOCKET number (Optional) 640100-424	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450" on <u>June 7, 2005</u> .		In re Application of Barry, et al.	
Signature <u>Raymond J. Lillie</u> Typed or printed name <u>Raymond J. Lillie</u>		Application Number 09/841,413	Filed April 24, 2001
		For Joint Repair Using Mesenchymal Stem Cells	
		Group Art Unit 3738	Examiner Barrett
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner. The fee for this Notice of Appeal is (37 CFR 1.17(b)) <u>\$500.00</u> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$250.00</u> <input checked="" type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>03-0678</u> . I have enclosed a duplicate copy of this sheet. <input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the <input type="checkbox"/> applicant/inventor <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____. <div style="text-align: right;"><u>Raymond J. Lillie</u> Signature <u>Raymond J. Lillie</u> Typed or printed name <u>6/7/05</u> Date</div>			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

Burden Hour Statement: This form is estimated to take 0.2 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CN, Washington, D.C. 20231.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Examining Operations

Applicant(s): Barry, et al.

Serial No: 09/841,413

Art Unit: 3738

Filed: April 24, 2001

Examiner: Barrett

Title: Joint Repair Using Mesenchymal Stem Cells

Docket No.: 640100-424

Customer No.: 27162

TRANSMITTAL LETTER

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SIR:

Enclosed please find the following:

1. Notice of Appeal;
2. Petition for Extension of Time (Three Months-Small Entity);
3. Check in the amount of \$760.00; and
4. A self-addressed, postage paid, return receipt postcard, date stamp and return of which is respectfully requested.

The Commissioner is authorized to charge payment of any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

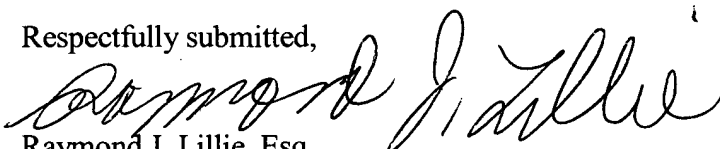
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Raymond J. Lillie, Esq. Date 6/7/05

Respectfully submitted,


Raymond J. Lillie, Esq.
Reg. No. 31,778

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
Five Becker Farm Road
Roseland, New Jersey 07068
T: (973) 994-1700
F: (973) 994-1744